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Date February 9, 2006

To Examiner John W. Hayes

Of PTO Group Art Unit 3639

Fax 571-273-8300

From Grant K. Rowan

Subject Response to Restriction Requirement

Our Ref Q66728 Appln No 09/982,749

Conf No 8429 Inventors ASAUCHI, NOBORU, et al.

Pages 2 (including cover sheet)

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This fax filing includes:

1. This cover sheet
2. Response to Restriction Requirement

#### CERTIFICATION OF FACSIMILE TRANSMISSION

Sir:

I hereby certify that the above identified correspondence is being facsimile transmitted to Examiner John W. Hayes at the Patent and Trademark Office on February 9, 2006 at 571-273-8300.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read 'Cheri Kusterbeck'.  
Cheri D. Kusterbeck

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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q66728

ASAUCHI, NOBORU, et al.

Appln. No.: 09/982,749

Group Art Unit: 3639

Confirmation No.: 8429

Examiner: John W. Hayes

Filed: October 22, 2001

For: METHOD AND SYSTEM FOR SUPPLY OF EXPENDABLES

**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Restriction Requirement contained in the Office Action dated January 9, 2006, Applicants elect Invention II (*i.e.*, claims 11-19 and 23-33) with traverse.

On page 2 of the Office Action, the Examiner contends that Invention I relates to determining a price at which a new expendable is to be supplied and that Invention II relates to supplying a new expendable in response to a user request. As such, the Examiner contends that Invention I and II have separate utility and are properly restrictable. Applicants respectfully disagree.

For example, claim 1 relates to a method that determines a price at which a new expendable is to be supplied. Also, while claim 11 relates to a device that supplies a new expendable in response to a user request, the device also determines a price for supplying the expendable. Therefore, both claim 1 and claim 11 determine the price of new expendable, and thus, claim 1 does not have separate utility from claim 11 in the manner that the Examiner

RESPONSE TO RESTRICTION REQUIREMENT

U.S. Appln. No. 09/982,749

alleges. The arguments above similarly apply to the remaining independent claims in Inventions I and II. Accordingly, Applicants submit that the Restriction Requirement is improper and respectfully request that it is withdrawn.

Respectfully submitted,

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WASHINGTON OFFICE

**23373**

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Date: February 9, 2006